



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

AUG 16 2011

Ref: EPR-N

Ronald W. Jablonski, Jr.,
District Ranger,
Medora Ranger District,
99 23rd Ave W, Suite B,
Dickinson, North Dakota 58601

Re: North Billings County Allotment Management Plan
Revisions Supplemental Draft EIS; CEQ 20110214

Dear Mr. Jablonski:

The U.S. Environmental Protection Agency (EPA) Region 8 has reviewed the Forest Service's Supplemental Draft Environmental Impact Statement (DEIS) for the North Billings County Allotment Management Plan Revisions. Our comments are provided for your consideration pursuant to EPA's responsibility and authority under Section 102(2)(C) of the National Environmental Policy Act (NEPA), 42 U.S.C. Section 4332(2)(C), and Section 309 of the Clean Air Act, 42 U.S. C. Section 7609. It is EPA's responsibility to provide independent review and evaluation of the potential environmental impacts of this project, which includes a rating of the environmental impact of the proposed action and the adequacy of the NEPA document.

Project Background and General Comments

The EPA is pleased that the Medora Ranger District of the Dakota Prairie Grasslands is proposing to improve grazing practices on Forest Service grazing allotments in the North Billings County area to address grazing effects on riparian areas, woody draws, vegetative structure and seral stages, sage grouse and other ground-nesting birds, and the local economy. Grazing practices can result in adverse effects to streams and riparian areas from excessive grazing of riparian vegetation, streambank trampling and fecal contamination. This often leads to stream channel widening and aggradation or lowering of the water table, destabilization of stream banks, and adverse effects on water quality and aquatic habitat. Accordingly, we support the Forest Service's proposal to update and revise North Billings County Allotment Management Plans (AMPs). We particularly endorse the use of a monitoring and adaptive management approach for improving grazing management.

Water Quality

The EPA appreciates the inclusion of additional discussion of water quality in the Supplemental DEIS in response to our DEIS comments, and we are pleased with the stated commitment to carry out or obtain needed water quality monitoring information using Forest Service resources or in partnership with other entities such as North Dakota State University (NDSU) and the Medora Grazing Association (MGA).

Water quality monitoring is proposed on a portion of the Little Missouri River, and on Whitetail, Mikes and Magpie Creeks (a minimum of five samples for E. coli testing will be collected during a 30-day period between June 1st and September 30th). We are also pleased that the monitoring period will be shortened from once every five years to once every three years for stream segments rated as Functional At Risk (FAR) or Nonfunctional (NF). This will allow earlier identification of progress or lack of progress in improving riparian conditions, and promote quicker feedback through adaptive management should additional improvements in grazing practices be necessary to restore riparian conditions.

The Supplemental DEIS states that there are no water bodies within the project area listed on the Clean Water Act Section 303(d) list for water quality impairment. However, we note that many streams in the project area have not yet been assessed by the State for water quality impairment. As stated in the Supplemental DEIS, the Little Missouri River, which is the only perennial waterbody in the project area, has not been assessed for water quality by the state on the reach flowing through the project area. However, two river reaches above and two reaches below the project area have been assessed, with three of these reaches rated as "Fully Supporting but Threatened" for recreation and one as "Not Supporting" based on levels of fecal coliform contamination. The probable sources, as identified by the state, are livestock grazing or feeding operations and onsite sewage treatment systems. Contributions of fecal coliform are thought to originate on private, state, and federal lands bordering the river. Intermittent streams in the project area may contribute some fecal coliform to the Little Missouri River through sources previously mentioned as well as wildlife.

It appears, therefore, that grazing practices may be contributing to fecal coliform contamination of downgradient water quality impaired reaches of the Little Missouri River. We recommend that the Forest Service coordinate their proposed grazing improvement efforts with appropriate water quality staff of the North Dakota Department of Health to assure consistency of proposed actions with North Dakota's efforts to restore water quality and prepare Total Maximum Daily Loads (TMDLs) for any downgradient water quality impaired reaches of the Little Missouri River (e.g., contact Mike Ell, Surface Water Program Manager for the North Dakota Department of Health at 701-328-5214). We agree that restoration of vegetative conditions in riparian areas will improve contaminant filtering capacity, and we also note that reduction in grazing intensity and provision of additional off-stream water sources and fencing to keep livestock out of streams will assist in reducing fecal contamination of surface waters.

Conclusion and EPA's Rating

We support the Forest Service's identification of Alternative 4 in the Supplemental DEIS as the preferred alternative, since it would result in the greatest level of riparian improvement of the grazing alternatives evaluated. Alternative 4 would also result in more rapid improvement in woody draw conditions and sage grouse nesting and brooding habitat.

Based on the procedures EPA uses to evaluate the adequacy of the information and the potential environmental impacts of the proposed action and alternatives in an EIS, the Supplemental DEIS for the North Billings County Allotment Management Plan Revisions has been rated as "Lack of Objections" (LO). As noted above, the EPA's review did disclose opportunities for application of additional mitigation measures that could be accomplished with no more than minor changes to the preferred alternative. We have enclosed a copy of the EPA's DEIS rating criteria for your reference.

We appreciate the opportunity to review and comment on the Supplemental DEIS. If you have any questions, please contact me at 303-312-6925. You may also contact Stephen Potts of our EPA Region 8 Montana Office, lead reviewer for this project, at 406-457-5022 or 406-329-3313. Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read 'S. Bohan', with a long horizontal flourish extending to the right.

Suzanne Bohan
Director, NEPA Compliance and Review Program
Office of Ecosystems Protection and Remediation

Enclosures (2)

EPA'S DETAILED COMMENTS
North Billings County Allotment Management Plan Revisions Supplemental DEIS

We note that Alternative 4 is stated to have a "negative" effect on woody draws in allotment 126 (Table 3.18, page 157) with a 42% increase in Animal Units (AU). This is in contrast to the slightly positive effect on woody draws in allotment 126 with the other grazing monitoring and adaptive management alternatives (i.e., Alternatives 3 and 3A). It is stated that the combining of allotments 126 and 128 in Alternative 4 and implementation of seven-pasture complimentary rest/deferred rotation with a single livestock herd (at higher AU levels) would adversely affect woody draw conditions in allotment 126 (Volume II, page 24). It is also stated that Alternative 4 would not utilize range infrastructure to the extent of Alternative 3 (Volume I, page 157). We ask if additional range infrastructure (fencing and water sources) and/or a reduction in the 42% increase in AUs in allotment 126 would reduce this predicted "negative" effect on woody draws with Alternative 4. If so, we recommend that such revisions be considered for allotment 126 with Alternative 4 to avoid such negative effect on woody draw conditions.

The Supplemental DEIS states that 4 allotments would experience a decrease in woody draw conditions with Alternative 4 (Volume I, page 160), however, Table 3.18 (pages 157-160) only shows 3 allotments in Alternative 4 with negative effects on woody draws (i.e., allotments 126, 237 and 289). This should be corrected or explained in the FEIS.

The EPA is pleased that the Forest Service has asked the MGA and permittees to report actual grazing use information annually, and complete year end reviews with each permittee to verify or amend the Annual Operating Instructions (AOIs) to reflect what has actually occurred during the prior grazing season (Response to Comments, page 13). We support such reporting and conduct of year end reviews with the permittee, since it will allow the Forest Service to better understand and monitor grazing use on allotments each season, and improve effectiveness of grazing management.